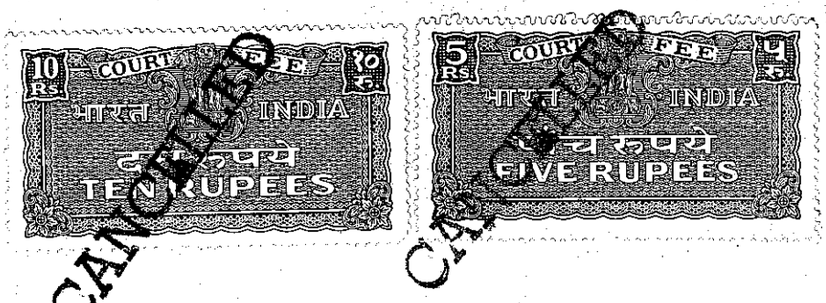

(3)

C/4/15

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

MISCELLEANOUS APPEAL NO: 320 OF 2002

UNDER SECTION 173 OF MOTOR VEHICLE ACT 1988
APPELANTS AND CLAIMANTS.

APPELLANTS/ INSURER OF THE VEHICLE :The National Insurance Company through its Divisional Manager/ Branch Manager, National Insurance Co. Ltd, Rajnandgoan/Bilaspur, Dist. Bilaspur (CG)

Versus

RESPONDENTS/ CLAIMANTS

1. Budharam, S/o Dasru Kewat, aged about 55 yrs

2. Shivwati, aged about 50 Years, W/o Budharam Kewat,

3. Radhika Bai, Alias Ganga Bai, W/o Sant Ram Kewat, Aged about 19 years
All Resident of Amlidih, Tehsil : Kairagarh, Dist. Rajnandgoan Chhattisgarh.

P. R. No. 777/02
Presented by Shri Prafulla Singh
dated 18.12.02

NON APPLICANTS

1. Ram Kumar, S/o Lallu Ram Kewat,

2. Lal Ashok Singh, S/o Chandra Bhan Singh,

3. Neeraj Singh, S/o Alwant Singh,
All three Resident of Chicholo, Tehsil : Khairagarh, Dist. Rajnandgoan Chhattisgarh.

(4)

//2//

Being aggrieved against the award passed by Additional Motor Vehicle Claims Tribunal, ~~Bilaspur,~~ Khairag Kamp. Kawardha in claim case no: 11 of 2001 in case of Budharam and others Versus Ram Kumar and Others, the Appellants named above begs to prefer this appeal on following grounds.

FACTS OF THE CASE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(35)

आदेश पत्रक

M.A. No. 320/2002
मामला क्रमांक सन् 200

The National Insurance Co. Budhram and others.
विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	1-2-2003 Shri Sanjay K. Agrawal with Shri Prateek Sinha, Advocates for the appellant. Heard. The appellant has filed this ~~xxxx~~ appeal against the award dated 4-1-2002 passed by the Addl. Motor Vehicle Claims Tribunal, Khairagarh Camp. granting award towards no fault liability. The brief facts of the case are that an accident occurred in Tractor No. MIT 7581 and Trolley No. MIT 7582 and in the accident, one Santram died. The claimants filed claim. The death taken place because of accident. The Tribunal has held that owner and Insurance Company is liable to pay no fault liability. This is not disputed that the death has taken place as a result of motor accident. No fault liability has been fastened on the owner as well as Insurance company. There is no infirmity in the impugned order. However, having considered the facts and circumstances of the case and material on record, in the opinion of this Court, ends of justice will be served, if a direction is given that the owner to furnish an indemnity bond to the effect that if it is held that the Insurance	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(36)

आदेश पत्रक

M.A. No. 320/2002

मामला क्रमांक ..... सन् 200

The National Insurance Co. ..... Budhram and others.

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Company is not liable, the owner will indemnify. The Claims Tribunal shall also consider the questions raised while deciding the ~~award~~ case on merit and will pass appropriate orders regarding restitution from the owner, in case, such an eventuality arises. The amount deposited under no fault liability be allowed to be withdrawn on furnishing security by the claimant. It is however made clear that the Claims Tribunal shall decide the case on its own merits in accordance with law without being influenced by the findings recorded ~~by this Court.~~ The appeal is accordingly disposed of. Certified copy as per rules. Sd/- Fakhruddin Judge	